

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARK SHOOK, et al.,	)	CASE NO.: 3:03-CV-07216-JGC
	)	
Plaintiffs,	)	JUDGE JAMES G. CARR
	)	
vs.	)	
	)	<b>MOTION TO DISMISS PLAINTIFFS'</b>
	)	<b>CLAIMS OF NEGLIGENT</b>
ROSSIGNOL TRANSPORT, LTD, et al	)	<b>ENTRUSTMENT/NEGLIGENT</b>
	)	<b>HIRING</b>
Defendants.	)	

Now come Defendants and respectfully request this Court dismiss the claims of negligent entrustment and negligent hiring. The moving Defendants have conceded liability on the part of Defendant, DeVost and have conceded he was in the course and scope of his employment with Defendant, Rossignol. Accordingly, the only issues to be determined at trial are the extent of damages attributable to the incident and the amount of money that will completely compensate Mr. Shook for the injuries the jury attributes to the accident. Accordingly, the separate allegations of negligence against Defendant Rossignol are rendered moot and should be dismissed.

If this Motion is granted, the jury will consider the evidence presented by the Plaintiff with respect to his damage claims and, pursuant to the Court's instructions, determine a value that will fairly and completely compensate the Plaintiff for all damages the jury finds attributable. Bringing up evidence of negligent hiring and

negligent entrustment can only prejudice the jury against these Defendants. Therefore, any evidence of negligent entrustment or negligent hiring has absolutely no probative value on the question of how much the Plaintiff should get in damages, while at the same time having a clear prejudicial effect on these Defendants.

For these reasons, these Defendants request that the Court dismisses the negligent entrustment and negligent hiring claims and preclude any evidence from the Plaintiff that does not directly relate to the damages being claimed.

Respectfully submitted,

/s/ James J. Turek

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2004, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the court's electronic filing system. Parties may access this filing through the court's system.

Respectfully submitted,

/s/ James J. Turek

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